

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

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FILE: B-213554.2**DATE:** December 12, 1983**MATTER OF:** Olympia USA Inc.**DIGEST:**

Protest, alleging defect in solicitation, which was filed 38 minutes after closing time for receipt of initial proposals is untimely under section 21.2(b)(1) of our Bid Protest Procedures (4 C.F.R. part 21 (1983)). Letter allegedly previously submitted to GAO but never received in our Office cannot be considered "filed" for timeliness purposes.

Olympia USA Inc. (Olympia) protests the General Services Administration's (GSA) inclusion of a life cycle costing qualification program in request for proposals (RFP) No. FGE-D3-75277-N-10-28-83, which calls for offers to provide an indefinite quantity of single element electric/electronic and typebar typewriters for government activities located outside of the 48 contiguous states and Washington, D.C.

The protest is dismissed.

The RFP containing the life cycle costing qualification program required initial proposals to be submitted by 10:30 a.m. on October 28, 1983. Olympia's protest (dated October 26) was filed in our Office at 11:08 a.m. on October 28, or 38 minutes after the time set for closing. Since the protest was based solely upon an alleged solicitation impropriety which should have been apparent to Olympia prior to the time set for closing, the protest was untimely filed under section 21.2(b)(1) of our Bid Protest Procedures (4 C.F.R. part 21 (1983)). See Somervell & Associates, Ltd., B-192426, August 18, 1978, 78-2 CPD 132.

In its initial protest to our Office, Olympia referred to an October 21, 1983, protest letter which allegedly stated the bases for its objection to the RFP's inclusion of

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the life cycle costing qualification program. However, our records show no filing in our Office of an October 21 letter by Olympia. Since we never received the October 21 letter, the protest must be considered to have been filed in our Office upon receipt of Olympia's October 26 letter which, as stated above, was untimely filed. See Envirotronics, B-202094.2, June 10, 1981, 81-1 CPD 477. Therefore, we will not consider this matter on its merits.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel